

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Michael Johnson, et al.,)	
)	C/A No. 1:10-CV-2557-MBS
Plaintiff,)	
)	
vs.)	ORDER
)	
Taylor Bean Whitaker Mortgage Corp.;)	
MERS; John Doe; and Jane Doe,)	
)	
Defendants.)	
_____)	

Plaintiff Michael Johnson filed this action pro se on October 1, 2010. Complaint, ECF No.

1. On the same day, Mr. Johnson filed a motion for a temporary restraining order (“TRO”) and preliminary injunction, in which he sought a court order

enjoining the Respondents [Taylor Bean Whitaker Mortgage Corporation] et al. their employees, agents, successors, or assigns, from making any effort to sell, or further encumber the title to, take possession of, or in any way occupy Michael Johnsons’ property, harass or intimidate Michael Johnson in any manner and for such other and additional relief as the Court deems just and equitable, including a Preliminary Injunction at the earliest possible opportunity.

Pl.’s Mot. ¶ 10, ECF No. 2.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. On October 1, 2010, the Magistrate Judge issued a report and recommendation (the “First R&R”) recommending that insofar as Mr. Johnson sought a TRO, his motion be denied; but that a hearing on his request for a preliminary injunction be scheduled as soon as possible, so that the matter could be heard before the next public auction in Aiken County. First R&R, ECF No. 6. Mr. Johnson did not object and, by order dated October 13, 2010, the court adopted the First R&R and recommitted the matter to the Magistrate Judge for a hearing on the motion for a preliminary injunction. Order 2, ECF No. 14.

On October 27, 2010, the Magistrate Judge held a hearing on the motion for a preliminary injunction and, on October 29, 2010, issued a Second R&R, recommending that the motion be denied in its entirety. ECF No. 31. The Second R&R was mailed to Mr. Johnson with a notice advising him that any specific written objections must be filed with the court within fourteen days of the date of service of the R&R. Id. at 4. That deadline has since passed and Mr. Johnson has not filed any objections to the Second R&R.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the R&R to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and agrees with the recommendation made by the Magistrate Judge. The court therefore adopts the Second R&R and incorporates it herein by reference. Mr. Johnson’s motion for a preliminary injunction (ECF No. 2) is **denied**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Margaret B. Seymour
United States District Judge

Columbia, South Carolina
November 17, 2010.